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13 Company, and Disney Enterprises, Inc.

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOHN WILLIAM KAIPO ENOS, an  
individual and JOHNSON  
ENTERTAINMENT, LLC, a Native  
Hawaii limited liability company,

Plaintiffs,

v.

THE WALT DISNEY COMPANY, a  
Delaware corporation; DISNEY  
ENTERPRISES, INC., a Delaware  
corporation; and DOES 1-10, inclusive,

Defendants.

CASE NO. 2:23-cv-05790-DSF-AGR<sup>x</sup>  
Hon. Dale S. Fischer

**DECLARATION OF DANIEL JUE  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

Date: April 7, 2025  
Time: 1:30 p.m.  
Courtroom: 7D (First Street  
Courthouse)

Complaint filed: July 18, 2023  
FAC Filed: November 22, 2023  
Trial Date: July 29, 2025

1 I, Daniel Jue, declare as follows:

2 1. I work for The Walt Disney Company as a Portfolio Executive  
3 Creative Director for the original Disneyland Resort in Anaheim, California, and  
4 am the lead creative executive for the Disneyland Resort. During the relevant time  
5 periods addressed herein, I was the Portfolio Creative Executive for the Tokyo  
6 Disney Resort (“Tokyo Disney”). Through that role, I have personal knowledge of  
7 the following facts and/or access to the books and records on which the  
8 information provided herein is based, and, if called and sworn as a witness, could  
9 competently testify thereto.

10 2. I am part of the Imagineering team, and work out of the Glendale  
11 office. In my role as Portfolio Creative Executive for Tokyo Disney, I oversaw the  
12 Disney Imagineering teams that worked on creative development for the resort,  
13 including developing the creative master plan and visioning for the resort.

14 3. In or around 2004, Disney released the character “Duffy,” a teddy  
15 bear that was made for Mickey Mouse. Following the success of Duffy, Disney  
16 released additional characters which expanded into a full merchandise line, called  
17 “Duffy and Friends.” Each of Duffy’s “Friends” has a specific talent or trait – *e.g.*,  
18 ShellieMay (also a teddy bear, has an adventurous spirit), Gelatoni (an artistic cat),  
19 and StellaLou (a rabbit that loves dancing). Part of my job involved the  
20 development of the Duffy and Friends franchise, which was originally created for  
21 Tokyo Disney.

22 4. In or around the spring of 2015, I learned that the Disney consumer  
23 products team was interested in developing a Duffy “Friend” for Disney’s Aulani  
24 Resort in Oahu, Hawaii, which character would eventually become ‘Olu Mel.  
25 Although ‘Olu Mel was not developed specifically for Tokyo Disney, because the  
26 character would be part of the Duffy and Friends franchise, I was involved in the  
27 project. I provided Eric Caszatt, the leader of the Disney consumer products team

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1 that worked on creation of ‘Olu Mel, with the back story of Duffy & Friends and  
2 some of the guiding principles we used to develop the brand. For example, Duffy  
3 and Friends are plush, not real animals. Duffy and ShellieMay have a creation  
4 story, but none of the other “friends” do.

5       5. There are also certain design elements that are largely consistent  
6 throughout the Duffy and Friends family. For example, the face of each character  
7 has a Mickey Mouse silhouette on its face, with the characters’ eyes placed in what  
8 would be Mickey’s ears, and the nose placed where the head would be. They also  
9 have consistent button eyes. Examples of this can be seen in the Duffy and Friends  
10 plush dolls depicted below:



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18       6. The Duffy and Friends characters, despite different heights, also have  
19 similar proportions, as reflected below (I also understand that this image was  
20 produced with the bates stamp TWDC-OLU000111):  
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7. After my initial input on general guidelines for the Duffy and Friends franchise, I received periodic updates. I did not participate in the decision to make 'Olu Mel a turtle or work with the designers as they created the visual characteristics of 'Olu Mel (e.g. his blue eyes, green color, shell design, etc.) but provided them feedback to refine their designs. I was involved in the discussion to give 'Olu Mel a musical nature as we wanted him to have a specific character trait to be consistent with all of the Friends of Duffy.

8. Disney announced 'Olu Mel on July 20, 2018. He was officially released on July 27, 2018 at Disney's Aulani Resort. At that time, Disney had created and released for sale about 18 different products depicting 'Olu Mel, either alone or with other Duffy and Friends characters.

9. When first released, 'Olu Mel was called just "'Olu.'" In December of 2018, Disney decided to expand the name to 'Olu Mel, with the "Mel" being short for "melody," in light of 'Olu Mel's musical nature. Disney announced the name change on January 1, 2020.

1       10. Since his release in 2018, Disney has continued to invest in ‘Olu Mel,  
2 including by designing and releasing new products depicting ‘Olu Mel, both alone  
3 and with the other Duffy and Friends characters.

4       11. In the years since then, Disney has created, manufactured, and  
5 released nearly 150 new products in the United States depicting ‘Olu Mel, with  
6 new products released every year. Specifically, in 2019, Disney released an  
7 additional 27 products; in 2020, an additional 13; in 2021, 30 more; in 2022,  
8 another 21 new products; 33 more in 2023, and finally, another 17 new products in  
9 2024.

10       12. Each new product entails significant investment by Disney, including  
11 employing design professionals, arranging for manufacturing and shipment, and  
12 operating retail outlets, particularly at Disney’s Aulani Resort in Hawaii.

13       13. The vast majority of sales of ‘Olu Mel products within the United  
14 States are made at Disney retail outlets, including the Disney Store, Disney parks,  
15 and the Disney Aulani Resort.

16       14. At the point of sale, ‘Olu Mel is typically depicted with his name, and  
17 phrases such as “A Disney Friend of Duffy” or “Duffy and Friends.”  
18 Representative images of ‘Olu Mel products as they are sold in stores are attached  
19 hereto as **Exhibit 1**.

20       15. I understand that this litigation was initiated by Johnson William  
21 Kaipo Enos, and his company Johnson Entertainment, LLC. I had never heard of  
22 or met Mr. Enos, nor was I aware of his company, until Mr. Enos’s counsel  
23 contacted Disney in relation to the claims asserted in this lawsuit.

24       16. I also had never heard of Mr. Enos’ turtle, Honu, or his stage show  
25 *Honu by the Sea*, until he raised the claims asserted in this lawsuit.

26       17. Attached hereto as **Exhibit 2** is a true and correct copy of an email I  
27 received on February 18, 2016.

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1        18. I am informed that Fabiola Garza Villalobos is the character artist  
2 who created 'Olu Mel. I have never met or spoken with Ms. Villalobos.

4 I declare under penalty of perjury under the laws of the United States of  
5 America that the foregoing is true and correct.

6 Executed this 13<sup>th</sup> day of February 2025 in Glendale, California.

David Jee

Daniel Jue